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## REMARKS

### Application Amendments

The amendment adds no new matter. Antecedent basis for claim 1 is found in the specification at page 10 lines 9-11.

Upon entry of the amendments presented, Claims 1-16 remain pending in the application. No additional claims fee is due as a result of these amendments. The applicants request the examiner to correct the record wherein he noted in the Office Action Summary of December 6, 2001 that there are only 14 claims pending. Support for this is found in the Preliminary Amendment of August 7, 2001

### Invention Synopsis

The present invention relates to skin care compositions that provide reduced levels of tack when applied to the skin. The compositions further display good moisturizing benefits, ease of spreading over and absorption into the skin. As a result, the skin is silky and smooth to the touch.

### Art Rejections

#### §102 Rejections

Claims 1-5 are rejected under 35 USC §102(b) as anticipated or in the alternative, claims 1-14 (sic), are rejected under 35 USC §103(a) as obvious over Jones et al. (WO 96/03967).

The Examiner contends that the pre-amended claims are either anticipated or made obvious by the Jones reference. In light of the amendment herein, the Applicants respectfully traverse this rejection.

Jones discloses hair fixative compositions rather than skin compositions. This is not an insignificant difference since the purpose of the Jones' composition is to hold hair in a set style wherein the presently claimed composition provides a water barrier over the skin. To accomplish creation of a water barrier, it is critical to select polymeric materials that are water-swallowable, having an inherent ability to retain water in order to increase in volume in an aqueous environment. The now-claimed water-swallowable polymers significantly differ from the hair fixative polymers as the water-swallowable polymers have an inherent glass transition temperature or T<sub>g</sub> that wouldn't provide adequate hair styling benefits. These polymers, however, do accommodate formation of the water barrier essential to the present invention.

Given the foregoing considerations, it is submitted that applicants' claims as now amended are neither anticipated or made obvious by Jones. Accordingly, the rejections of these claim under 35 USC §102(b) and 103 (a) are improper and should be withdrawn.

### CONCLUSION

Applicants have made an earnest effort to place their application in proper form and to distinguish their invention from the applied prior art. WHEREFORE, Applicants respectfully request

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the reconsideration of this application, entry of the amendments presented, withdrawal of the rejections under 35 U.S.C. §102 and §103 and allowance of Claims 1-16.

Respectfully submitted,

Michael David Bell et al.

By 

John M. Howell  
Attorney for Applicants  
Registration No. 33,713  
Tele. No.: (513) 626-3792

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Customer No. 27752

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**MARKED VERSION SHOWING CHANGES MADE****IN THE CLAIMS****1. (amended)**

A leave-on cosmetic composition suitable for topical application to the skin comprising:

- a) a polymeric thickening agent selected from the group consisting of non-ionic and anionic thickening agents, [or] and mixtures thereof, having a number average molecular weight of greater than 20,000 and;
- b) a cation containing, water-swellaable polymer [or mixtures thereof];

wherein said composition comprises less than 4% of an anionic, zwitterionic, or amphoteric surfactant.